

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MAXMILLIAN SLOLEY,

Plaintiff,

**AFFIDAVIT OF ERIC
VANBRAMER**

-against-

14-CV-0339

ERIC VANBRAMER and BRYAN VANBRAMER,

GLS/CFH

Defendants.

STATE OF NEW YORK

)

) ss.:

COUNTY OF GREENE

)

ERIC VANBRAMER, being duly sworn, deposes and says:

1. I am employed as a Trooper by the New York State Police. I make this affidavit in support of Defendants' motion for summary judgment.

2. I work in the State Police's Canine Unit and also perform the other duties of a New York State Trooper. In April 2013, I worked with a canine named Ryder who was certified by the State Police in odor recognition of narcotics. She was trained to identify by scent the presence of illegal drugs including cocaine.

3. In the early morning hours of April 1, 2013, I received a call from Trooper Bryan VanBramer. He requested that I go to State Route 23 in the Town of Catskill near the Rip Van Winkle Bridge. He advised that an individual named Maxmillian Sloley had been stopped while fleeing in a vehicle used in a crime in Athens. He further advised that the complainant reported that Mr. Sloley was possibly in possession of a controlled substance.

4. I recognized the name Maxmillian Sloley as referring to an individual who was well known in the area for being wrapped up in illegal drugs. Prior to April 1, 2013, several people told me that Maxmillian Sloley was a drug dealer.

5. Upon arriving at State Route 23 near the Rip Van Winkle Bridge, I observed Mr. Sloley's vehicle, a white 2010 Nissan Maxima, license plate number GDR7736. When I brought Ryder near that vehicle, Ryder had a positive alert on each side and the front hood exterior. Ryder also alerted on the center console area inside the vehicle. I observed a small amount of a loose, chunky substance that appeared to be crack cocaine located in the crease in the driver's seat. It looked to me like the driver had been in a hurry to try to hide contraband while he was sitting in the driver's seat but some of it fell onto the seat.

6. I performed a NIK field test on the evidence. In accordance with my training, I secured the evidence from the driver's seat and placed it into a test kit and sealed it. I went through the procedure of breaking three ampoules that released liquid into the kit that interacted chemically with the evidence. The evidence tested positive for cocaine.

7. The NIK field test is routinely relied upon by law enforcement to determine the presence of controlled substances. Prior to April 2013, I had attended a training course at the New York State Police Academy on how to identify drugs and how to perform various field tests, including the NIK test that I performed here. I have conducted hundreds of NIK tests in my career.


8. I proceeded to SP Catskill, a State Police station. When I arrived, Mr. Sloley was being processed. I spoke to other officers who informed me about Mr. Sloley's criminal history, including that Mr. Sloley was on federal probation at that time, that he had multiple felony

convictions (some involving firearms), and that he had convictions for possessing and selling drugs.

9. At 6:25 A.M., I transferred to Bryan VanBramer the drug evidence that I recovered from Mr. Sloley's vehicle. I documented on a General 2 Evidence Record that the evidence had been obtained by me from Mr. Sloley's vehicle at 5:45 A.M. I also documented on the General 2 Evidence Record that the evidence tested positive for cocaine.

10. Bryan VanBramer advised me that Mr. Sloley would be charged with Criminal Mischief in the Third Degree (Penal Law § 145.05), Criminal Possession of a Controlled Substance in the Seventh Degree (Penal Law § 220.03), and Harassment in the Second Degree (Penal Law § 240.26(1)).

11. Based on the circumstances discussed above, it was reasonable to suspect that Mr. Sloley was concealing drugs on his person at the time he was being processed at SP Catskill.


Eric VanBramer

Sworn to before me this
18 day of September, 2015


Notary Public

